

REMARKS

Applicant thanks the Examiner for the careful consideration given to this application.

Claims 1-23 and 38-49 are pending in this application. Claims 1-4, 6 and 38 have been amended without prejudice herein. Claim 7 has been cancelled. Claims 1 and 38 are independent claims. Reconsideration and allowance of the present application are respectfully requested.

Claim Rejections under 35 U.S.C. §101

Claims 1-23 stand rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter as well as being directed to more than one class of statutory subject matter. Claims 38-49 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 1-23

Without acquiescing to the appropriateness of these rejections, and for non-limiting purposes of expediting prosecution of the subject application, Claim 1 has been amended without prejudice to recite, *inter alia*, “a technology platform embodied in computer-executable code being embodied in at least one tangible computer-readable media.” Support for the recited computer-readable media may be found throughout the original specification, such as in connection with Appendix A, which is “a summary of one embodiment of hardware which may be employed to implement the platform of the invention.” *See, Specification, pg. 2, par. [0020]*. For example, Appendix A discusses the use of a dual 1 Mhz processor, 1Mb random access memory, and an ultra SCSI HD in the platform. *See, Specification, Appendix A*. Accordingly, no new matter has been added.

Accordingly, Claim 1 is explicitly drawn to an apparatus – one of the four enumerated patent-eligible subject matter categories. Wherefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §101 rejection of Claim 1. Applicant also requests reconsideration and withdrawal of the rejections of Claims 2-23, at least by virtue of these claims’ ultimate dependency upon a patentable Claim 1.

Claims 38-49

Without acquiescing to the appropriateness of these rejections, and for non-limiting purposes of expediting prosecution of the subject application, Claim 38 has been amended without prejudice to recite:

A method for implementing a plurality of programs, each having a program manager, wherein each program is offered to a user and is supported by supporting suppliers/vendors, said method comprising the steps of:

- authenticating, *at at least one server*, the program manager of each program,
- authenticating, *at the at least one server*, the user of each program,
- authenticating, *at the at least one server*, the supporting suppliers/vendors of each program;
- authenticating, *at the at least one server*, non-supporting suppliers/vendors of each program;
- permitting, *at the at least one server*, the user to initiate a program and review selected program information of programs for which the user is authorized to access;
- permitting, *at the at least one server*, the supporting suppliers/vendors to monitor selected program information of programs which the supporting suppliers/vendors are authorized to access;
- permitting, *at the at least one server*, the authenticated non-supporting suppliers/vendors to access selected event information for benchmarking of events;
- permitting, *at the at least one server*, the program manager to manage a program and to access selected program information of programs for which the program manager is authorized to access; and
- permitting, *at the at least one server*, a service provider to access and control selected program information, wherein the service provider engages the supporting suppliers/vendors to support the program. (*Emphasis added*)

Accordingly, Claim 38 is explicitly drawn to a method including a series of steps or actions tied to a particular machine or apparatus – one of the four enumerated patent-eligible subject matter categories. Support for the recited servers may be found throughout the original specification, such as in connection with Appendix A, which is “a summary of one embodiment of hardware which may be employed to implement the platform of the invention.” *See*,

Specification, pg. 2, par. [0020]. For example, Appendix A discusses the use of a Windows 2000 Server and Windows NT Server SP6 in the platform. *See, Specification, Appendix A.* Accordingly, no new matter has been added.

Accordingly, Claim 38 is explicitly tied to a particular machine, a server. Wherefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §101 rejection of Claim 38. Applicant also requests reconsideration and withdrawal of the rejections of Claims 39-49, at least by virtue of these claims' ultimate dependency upon a patentable Claim 38.

Claim Rejections under 35 U.S.C. §112

Claims 1-23 stand rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As discussed above, without acquiescing to the appropriateness of these rejections, and for non-limiting purposes of expediting prosecution of the subject application, Claim 1 has been amended without prejudice to recite:

A technology platform embodied in computer-executable code being embodied in at least one tangible computer-readable media and for administrating a plurality of events, each having a manager, wherein each event is offered to a user and is supported by supporting suppliers/vendors engaged by a service provider, , said platform comprising code for:

a management system configured to:

authenticate the manager of each event,

authenticate the user of each event,

authenticate the supporting suppliers/vendors of each event,

authenticate non-supporting suppliers/vendors of each event,

enable authenticated users to initiate and review selected event information of events for which they are authorized to access;

enable authenticated supporting suppliers/vendors to monitor selected event information of events which they are authorized to access;

enable authenticated non-supporting suppliers/vendors to access selected event information for benchmarking of events;

enable authenticated program managers to manage events and access selected event information of events for which they are authorized to access; and
a service provider gateway linking the service provider to the management system, said gateway being configured to provide access and control selected program information, wherein the supporting suppliers/vendors are engaged by the service provider to support the event.

Accordingly, Claim 1 is explicitly drawn to an apparatus – one of the four enumerated patent-eligible subject matter categories. As discussed above, support for the recited computer-readable media may be found throughout the original specification, such as in connection with Appendix A, which is “a summary of one embodiment of hardware which may be employed to implement the platform of the invention.” *See, Specification, pg. 2, par. [0020]*. For example, Appendix A discusses the use of a dual 1 Mhz processor, 1Mb random access memory, and an ultra SCSI HD in the platform.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §112 rejection of Claim 1. Applicant also requests reconsideration and withdrawal of the rejections of Claims 2-23, at least by virtue of these claims’ ultimate dependency upon a patentable Claim 1.

Claim Rejections Under 35 U.S.C. §103

Claims 1-23 and 38-49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over LAN (US 2003/0009740). Applicant requests reconsideration and withdrawal of these rejections for at least the following reasons.

Obviousness is a question of law that is evaluated based on underlying factual questions about the level of skill in the art at the time the invention was made, the scope and content of the prior art, and the differences between the prior art and the asserted claim. *KSR Int’l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727 at 1734, 1745 (2007), (quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966)). The Examiner bears the burden of establishing a *prima facie* case of obviousness based upon the prior art. *In re Piasecki*, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). Applicant may traverse the Examiner's *prima facie* determination as improperly made out. *In re Heldt*, 58 C.C.P.A. 701, 433 F.2d 808, 811, 167

USPQ 676, 678 (CCPA 1970). Applicant submits a *prima facie* case of obviousness is lacking, at least by virtue that the cited reference fails to teach each of the limitations of any of the pending claims.¹

In certain embodiments of the present invention, an open architecture technology platform implements a plurality of programs. *See, Specification, pg. 6, par [0024]*. Each program has a program manager which manages the program. *See, Specification, pg. 7, par [0024]*. The programs are offered to and are frequently initiated by a user, such as an employee of a pharmaceutical company. *Id.* Each program is supported by supporting suppliers/vendors who provide services relating to the program, such as meeting rooms, food, video equipment or other goods or services needed for the program. *Id.* The platform includes a front end administratively driven delivery management system which manages the delivery of information, manages which users have access to particular information, manages functions, and manages which users can employ particular functions. *Id.*

The management system includes an interface which is adapted to authenticate the program manager of each program, authenticate the user of each program, and authenticate the supporting suppliers/vendors of each program. *See, Specification, pg. 7, par [0025]*. The management system is configured to permit the user to initiate a program and review selected program information of programs for which the user is authorized to access. *Id.* The management system is also configured to permit the supporting suppliers/vendors to monitor selected program information of programs which the supporting suppliers/vendors are authorized to access. *Id.* The management system is also configured to permit the program manager to manage a program and to access selected program information of programs for which the program manager is authorized to access. *Id.*

The platform also includes a service provider gateway linking one or more service providers to the management system. *See, Specification, pg. 7, par [0026]*. The gateway may be a direct link or it may be an indirect link via an XML gateway. *Id.* The gateway permits the service provider to interface and interact with selected program information. *Id.* The service

¹ The following discussion identifies exemplary reference characters, and/or references particular portions of the disclosure. Such identification and/or references do not constitute a representation that any claim element is limited to the embodiment illustrated at any identified character or described in any referenced portion of the disclosure.

provider engages the supporting suppliers/vendors to support the program. *See, Specification, pgs. 7-8, par [0026].*

The management system also authenticates non-supporting suppliers/vendors of each program and permits the authenticated non-supporting suppliers/vendors to access selected program information for obtaining benchmarking information from the programs. *See, Specification, pg. 8, par [0027].*

Consistently, Claim 1 has been amended to recite:

A technology platform embodied in computer-executable code being embodied in at least one tangible computer-readable media and for administrating a plurality of events, each having a manager, wherein each event is offered to a user and is supported by supporting suppliers/vendors engaged by a service provider, , said platform comprising code for:

- a management system configured to:
 - authenticate the manager of each event,
 - authenticate the user of each event,
 - authenticate the supporting suppliers/vendors of each event,
 - authenticate non-supporting suppliers/vendors of each event,
 - enable authenticated users to initiate and review selected event information of events for which they are authorized to access;
 - enable authenticated supporting suppliers/vendors to monitor selected event information of events which they are authorized to access;
 - enable authenticated non-supporting suppliers/vendors to access selected event information for benchmarking of events;
 - enable authenticated program managers to manage events and access selected event information of events for which they are authorized to access; and
- a service provider gateway linking the service provider to the management system, said gateway being configured to provide access and control selected program information, wherein the supporting suppliers/vendors are engaged by the service provider to support the event.

Lan fails to teach or suggest such an embodied platform. Rather, the cited portions of Lan merely disclose a platform which integrates and collaborates with staffing suppliers,

contractors, clients and partners. *See, Lan, pg. 8, par. [240]*. In contrast, Claim 1 calls for a platform which, *inter alia*, enables access to supporting as well as **non-supporting suppliers/vendors to access selected event information for benchmarking of events**.

Lan neither teaches nor suggests a “platform comprising code for a management system configured to . . . enable authenticated non-supporting suppliers/vendors to access selected event information for benchmarking of events” as is recited by Claim 1.

Thus, Applicant requests reconsideration and withdrawal of the 35 U.S.C. 103 rejection of Claim 1, at least by virtue that the cited art fails, in any combination, to teach or suggest at least a “platform comprising code for a management system configured to . . . assist authenticated non-supporting suppliers/vendors to access selected event information for benchmarking of events” as is recited by Claim 1.

Applicant also requests reconsideration and withdrawal of the rejections of Claims 2-23, at least by virtue of these claims’ ultimate dependency upon a patentable Claim 1.

While of differing scope, Claim 38 has been amended to analogously recite:

A method for implementing a plurality of programs, each having a program manager, wherein each program is offered to a user and is supported by supporting suppliers/vendors, said method comprising the steps of:

 authenticating, at at least one server, the program manager of each program,

 authenticating, at the at least one server, the user of each program,

 authenticating, at the at least one server, the supporting suppliers/vendors of each program;

 authenticating, at the at least one server, non-supporting suppliers/vendors of each program;

 permitting, at the at least one server, the user to initiate a program and review selected program information of programs for which the user is authorized to access;

 permitting, at the at least one server, the supporting suppliers/vendors to monitor selected program information of programs which the supporting suppliers/vendors are authorized to access;

permitting, at the at least one server, the authenticated non-supporting suppliers/vendors to access selected event information for benchmarking of events;

 permitting, at the at least one server, the program manager to manage a program and to access selected program information

of programs for which the program manager is authorized to access; and

permitting, at the at least one server, a service provider to access and control selected program information, wherein the service provider engages the supporting suppliers/vendors to support the program. (*Emphasis added*)

Thus Applicant requests reconsideration and withdrawal of the 35 U.S.C. 103 rejection of Claim 38 for at least those reasons set forth above with regard to Claims 1-23. Applicant also requests reconsideration and withdrawal of the rejections of Claims 38-49, at least by virtue of these claims' ultimate dependency upon a patentable Claim 38.

Disclaimer

Applicant may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 03-2775.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 16576-00006 from which the undersigned is authorized to draw.

Dated: April 8, 2010

Respectfully submitted,

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